

## **REMARKS**

Claims 1-30 are pending in the application. Claims 1, 9, 13, 16, 24 and 28 are independent claims. Claims 1-30 stand rejected.

### ***Claim Rejections 35 USC §103***

Claims 1-2, 5-9, 13-17, 20-24, and 28-30 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,694,336 to Multer in view of U.S. Patent No. 6,446,092 to Sutter.

#### **Claim 1**

Applicants respectfully submit that claim 1 as amended patentably defines over the art of record. Applicants respectfully submit that the art of record fails to teach or suggest at least “instructions for an operating system, the operating system including a kernel, wherein the kernel includes a database management program integrated with a file system, the database management program integrated with the file system configured to store data in the file system as file streams, generate items that include metadata for the file streams and store the items in the database management program.” Applicants submit that Multer fails to teach or suggest such subject matter. Multer describes a data transfer and synchronization system. The system of Multer can synchronize information from “e-mail systems, and file systems, such as those utilized by Microsoft Windows NT operating systems, Unix operating systems, Linux operating systems, or other systems capable of storing file types having binary formats which translate to application formats of differing types.” (Multer at col. 5, lines 12-15). Applicants submit however that Multer fails to teach or suggest integrating the described with the code of the file system or the code that effectuates a kernel of an operating system. Similarly, Sutter also fails to describe such subject matter.

Applicants respectfully submit that by incorporating code that effectuates a database management program with code that effectuates a file system into the kernel of the operating system allows for a richer user experience with the operating system. For example, in most computer systems today files are the basic units of storable information that are manipulated by kernel of the operating system by invoking a file sysetm to read or write the bits to or from

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a physical hard drive. In these systems file system 'knows' little about the structure of the data stored on the physical hard drive and because of this most of the information remains locked up that may only be accessed by the application they are associated with. By incorporating a database management program into the kernel of the operating system the operating system itself can be configured to understand the contents of its file system and expose database management capabilities to applications that execute on the shell of the operating system. Accordingly, for at least these reasons Applicants respectfully request reconsideration of the rejection of claim 1.

Insomuch as independent claims 9, 13, 16, 24 and 28 recite similar elements to that of claim 1 they patentably define over the art of record for at least similar reasons as claim 1. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 9, 13, 16, 24 and 28.

Dependent claims 2-8, 10-12, 14, 15, 17-23, 25-27, 29 and 30 depend directly or indirectly from claims 1, 9, 13, 16, 24 or 28 and patentably define over the art of record for at least similar reasons as claim 1. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 2-8, 10-12, 14, 15, 17-23, 25-27, 29 and 30.

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### **CONCLUSION**

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants' representative.

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